

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHTONE DESIGN GROUP, LLC,

Plaintiff/Counter-Defendant,

- against -

Mary Sullivan KELLY and TRUE PILATES
BOSTON, LLC,

Defendants/Counter-Plaintiffs/
Third-Party Plaintiffs,

- against -

RICHTONE DESIGN GROUP, LLC,

Counterclaim Defendant,

and

Sean GALLAGHER,

Third-Party Defendant.

Case No. 22-cv-1606-KMK

Declaration of Hila Paldi

Hila Paldi, being a person over the age of 18 and otherwise competent to testify as to the matters set forth herein, declares as follows:

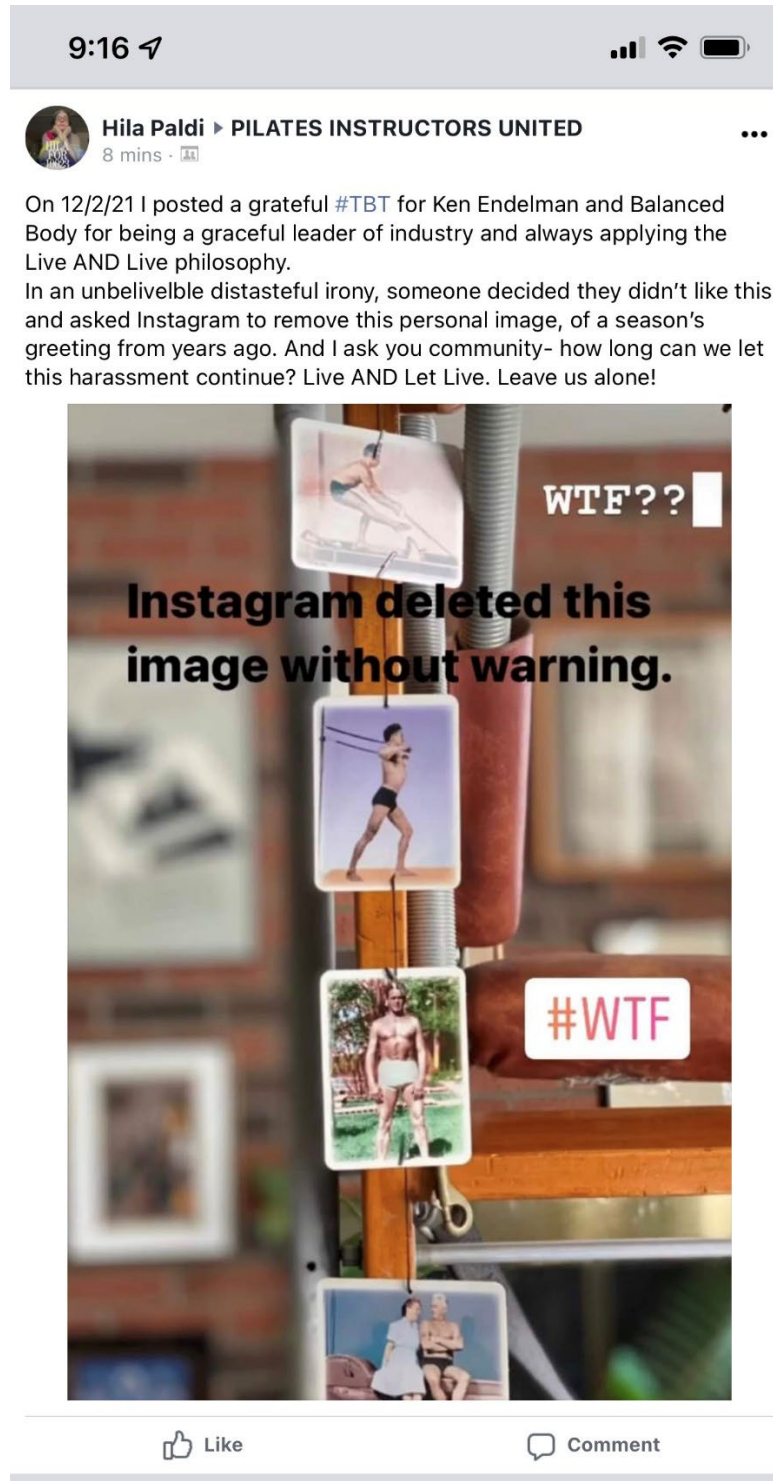
1. I have been involved with Pilates exercises since 1983. Initially I was a client, but then decided to make Pilates my vocation. In 1988, I was certified by the Pilates Studio, then owned by Healite, Inc., and I worked there under the supervision of Romana Kryzanowska until Healite closed the studio on April 1, 1989. In 1990, I

opened my own practice under the name “Ultimate Body” and in 1991, I established my own location.

2. On or about December 3, 2021, without notice or warning, Instagram removed from my business’s Instagram account the image reproduced below which I had posted on the previous day. The image shows a hanging mobile, which belongs to me, with colorized pictures of Joseph and Clara Pilates.



3. Perplexed and angry, I immediately posted a “Story” with the text shown below, asking why the image was removed and criticizing the takedown without naming the person who I believed was responsible, i.e., Sean Gallagher.



4. Within several hours of the Story being posted, the Story was taken down. Several days later, I received a notice from Facebook that the image was reported for copyright infringement by Sean Gallagher and Richtone Design Group, LLC.,

5. On December 27, 2021, again without notice or warning, Instagram removed from my business's Instagram account an image post that showed an array of Christmas and Seasons' Greetings cards – reproduced below (on the following page) – that had been sent out decades ago by Joseph and Clara Pilates. At the same time, Instagram disabled the account, so I was no longer able to post anything. Upon information and belief, the takedown was precipitated by a complaint from Sean Gallagher. I know of no other person that would have filed a takedown notice of these photos, and he was identified by Instagram as the person who filed the prior DMCA takedown notice.



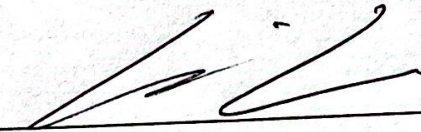
I hereby state under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed at New York, New York, this ____ day of October 2022.

By: _____
Hila Paldi

I hereby state under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed at New York, New York, this 31st day of October 2022.

By: 
Hila Paldi